

4UPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ALTERRA AMERICA INSURANCE CO.,

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE, et. al.

Defendant.

DISCOVER PROPERTY & CASUALTY
COMPANY, et al.,

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

Index No. 652813/2012 E

Hon. Andrea Masley

Motion Seq. No. 22

STIPULATION

Index No. 652933/2012 E

Hon. Andrea Masley

Motion Seq. No. 23

WHEREAS, the “Insurers”¹ issued subpoenas (the “Subpoenas”) to the 32 Non-Party NFL Teams (the “Non-Party Teams”),² all of whom are located in states outside of New York, except for the Buffalo Bills, LLC and the New York Football Giants, Inc.;

¹ The term “Insurers” refers collectively to TIG Insurance Company, The North River Insurance Company, United States Fire Insurance Company, Discover Property & Casualty Insurance Company, St. Paul Protective Insurance Company, Travelers Casualty & Surety Company, Travelers Indemnity Company, Travelers Property Casualty Company of America, Continental Insurance Company, Continental Casualty Company, Bedivere Insurance Company, ACE American Insurance Company, Century Indemnity Company, Indemnity Insurance Company of North America, California Union Insurance Company, Illinois Union Insurance Company, Westchester Fire Insurance Company, Federal Insurance Company, Great Northern Insurance Company, Vigilant Insurance Company, Munich Reinsurance America, Inc., XL Insurance America Inc., XL Select Insurance Company, American Guarantee and Liability Insurance Company, Arrowood Indemnity Company, and Westport Insurance Corporation.

² The Non-Party Teams collectively refer to the Arizona Cardinals Football Club, LLC, the Chargers Football Company, LLC, the Forty Niners Football Company, LLC, The Los Angeles

WHEREAS, the Non-Party Teams have raised objections to the scope of the Subpoenas based on burden, relevance, privacy, privilege and other grounds (the “Objections”);

WHEREAS, the Insurers either moved or stated their intention to move to compel production of all documents requested in the Subpoenas in the courts in the jurisdictions in which each Non-Party Team is located, including this Court, and the Non-Party Teams intend to oppose such motions at least in part (the “Discovery Matters”);

WHEREAS, the Non-Party Teams offered to consolidate all of the Discovery Matters before this Court, but the Insurers objected to such consolidation;

WHEREAS, the Non-Party Teams moved by Order to Show Cause for a protective order before this Court requiring the Insurers to show cause why they should not be permanently enjoined from pursuing the Discovery Matters in other courts around the country, which motion has not yet been determined by this Court (the “Protective Order Motion”);

WHEREAS, pursuant to this Court’s April 29, 2019 Orders (Index No. 652813/2012 NYSCEF Doc. No. 545 and Index No. 652933/2012 NYSCEF Doc. No. 549, collectively, the “April 2019 Orders”), this Court, on consent of the parties, temporarily restrained the Insurers, pending argument on the Protective Order Motion, from continuing to commence or prosecute any Discovery Matters in other jurisdictions against any of the Non-Party Teams;

Rams, LLC, The Oakland Raiders, LLP, PDB Sports, Ltd. d/b/a Denver Broncos, the Jacksonville Jaguars, LLC, the Miami Dolphins, Ltd., the Buccaneers Team LLC, the Atlanta Falcons Football Club, LLC, The Chicago Bears Football Club, Inc., the Indianapolis Colts, Inc., the New Orleans Louisiana Saints, LLC, the Baltimore Ravens Limited Partnership, Pro-Football, Inc. d/b/a Washington Redskins, the New England Patriots, LLC, The Detroit Lions, Inc., the Minnesota Vikings Football Club, LLC, the Kansas City Chiefs Football Club, Inc., the New York Jets, LLC, the Panthers Football, LLC d/b/a Carolina Panthers, the Cincinnati Bengals, Inc., the Cleveland Browns Football Company, LLC, the Philadelphia Eagles, LLC, the Pittsburgh Steelers, LLC, the Tennessee Football, Inc., the Dallas Cowboys Football Club, Ltd., Houston NFL Holdings, LP d/b/a Houston Texans, Football Northwest, LLC d/b/a Seattle Seahawks, the Green Bay Packers, Inc., the Buffalo Bills, LLC and the New York Football Giants, Inc.

WHEREAS, pursuant to this Court's April 2019 Orders, this Court, on consent of the parties and after significant discussion on the record at the April 29, 2019 hearing that the Non-Party Teams were not waiving and would not be producing documents that were subject to the Non-Party Teams' Objections at issue in the Discovery Matters (see, e.g., pages 27-28, 32-34 and 37 of the April 29, 2019 Transcript, annexed hereto as **Exhibit A**), required the Non-Party Teams to run certain search terms and produce all non-objectionable documents responsive thereto by June 1, 2019, and specifically excluding those documents that the Non-Party Teams contend are privileged or are subject to privacy protection; and

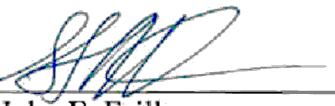
WHEREAS, pursuant to the Court's April 2019 Orders, this Court further directed the Non-Party Teams to submit a stipulation agreeing to the jurisdiction of this Court for resolution of the Discovery Matters.

NOW, THEREFORE, the Non-Party Teams hereby stipulate to the jurisdiction of this Court for resolution of the Discovery Matters with the understanding that the Court has not yet ruled on their Objections, and provided that (a) the Insurers are permanently enjoined (either by Court order, agreement or otherwise) from commencing or continuing to prosecute any of the Discovery Matters in any other jurisdiction against any of the Non-Party Teams, and (b) the Non-Party Teams will be provided a full and fair opportunity to present all of their Objections for resolution by this Court. To the extent the Insurers take any steps to commence or prosecute the Discovery Matters in any other jurisdiction, other than before this Court, this stipulation shall be null and void, and the Non-Party Teams shall be entitled to (i) raise and adjudicate any and all Objections in any court or proceeding with respect to the Subpoenas, and (ii) contest this Court's jurisdiction over any of them.

Alterra Am. Ins. Co. v. National Football League, et al., Index No. 652813/2012
Discover Prop. & Cas. Co., et al. v. National Football League, et al., Index No. 652933/2012

Dated: May 10, 2019
New York, New York

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